IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.5973 of 1991**

DATE OF DECISION: January 17, 2007

PREM SINGH AND OTHERS ...PETITIONER

VERSUS

THE STAT E OF HARYANA AND ANOTHER ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: MR. H.S. GILL, ADVOCATE FOR THE PETITIONERS.
MR. ANMOL RATTAN SIDHU, ADDL.A.G., HARYANA
WITH MR. RAJEEV KWATRA, SR.DAG, HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioners have prayed for regularization of their services on the post of Multi-purpose Health Supervisor from the date they have assumed charge of the post of Health Inspector with all consequential benefits. The petitioners were initially appointed as Basic Health Workers/Surveillance Workers/Trachoma Workers in the Health Department of the erstwhile State of Joint Punjab during the year 1961 to 1963, after re-organization of the State of Punjab, petitioner Nos.1 & 2 were allocated to Haryana and were allowed to work on the post of Health Inspector on 23.1.1973 and 9.5.1973, respectively. Petitioner Nos.3 to 8 were appointed on the post of Health Inspector/Sanitary Inspectors in May/June 1977 (Annexure P-3). Their appointment was purely on temporary basis for a period of 6 months and the said period could be extended further with the approval of the Subordinate Services Selection

Board, Haryana (hereinafter referred to as 'the Board'). The petitioners continued although there was no approval by the Board.

As the petitioners have already retired from service, therefore, the prayer of the petitioners for regularization of their services has been rendered infructuous.

It has been argued by Mr. Gill that as the petitioners were working as Health Inspectors/Sanitary Inspectors in pursuance to the orders (Annexure P-2 & P-3) upto to their retirement, therefore they should be given the pay scale of the post on which they have been working, as revised from time to time.

Learned counsel for the State submits that as the petitioners were never regularized on the post of Health Inspector/Sanitary Inspector, therefore, they are not entitled to be paid the salary for this post. He further submits that the petitioners were allowed to work in their own pay scales against their original post.

A perusal of the aforementioned facts clearly show that undisputedly the petitioners had been working on the post of Health Inspector/Sanitary Inspectors. They retired from this post, thus, having rendered service as Health Inspector/Sanitary Inspectors, therefore, the petitioners would obviously be entitled to the pay scales admissible to a Health Inspector/Sanitary Inspectors. The Hon'ble Supreme Court in *Smt. P. Grover* vs. *State of Haryana* reported as 1983 (2) SLR 734 has held that where the promotion is on acting basis, even then the officer would be entitled to salary of such higher post on which he was working. In another case of *Rajinder Nath Malhotra* vs. State of Punjab and ors. reported as 1990(2) SLR 305 it was held that even if the promotion of the petitioner is

in his own pay scale still the claim of the petitioner for the salary admissible to him in the higher rank was justified.

In the present case also the petitioners were officiating as Health Inspectors/Sanitary Inspectors in pursuance of their appointment letters and having discharged their services as Health Inspectors/Sanitary Inspectors, they are entitled to salary of the post on which they were working, as revised from time to time.

In view of the judgements rendered in *Smt. P. Grover's case* and *Rajinder Nath Malhotra's case* (supra) the petitioners are held entitled to the pay scale of the post on which they were working. The writ petition is partly allowed. The respondents are directed to pay the petitioners the entire arrears of salary within a period of 6 months alongwith all consequential benefits.

January 17, 2007 **(ASHUTOSH MOHUNTA)**
Gulati **JUDGE**